

1901-052
Lee Co.

Chancery Causes: Bell Waller vs. George Waller

Barnett, Stapleton

CA-Divorce
T-Vices

To the Hon. H. A. W. Steen, Judge
of the circuit-court of the county
of Lee:

The petition of Bell Wallen,
a citizen of Lee county - for ten
years or more, respectfully
sheweth: that - of one petition
was on the - day of - 1895,
lawfully joined in marriage
with George W. Wallen, her
present-husband and ever from that-
time until the - day of - 1900,
lived and cohabited with him,
and hath in all respects demeaned
and conducted herself as a
dutiful and affectionate wife;
but the said Geo W Wallen in
violation of his marriage
oaths, hath ^{willfully} ~~for~~ deserted her
petitioner on the - day of - 1900
leaving her in destitute circum-
stances with five children to
care for and hath for a con-
siderable time, given himself
up to adulterous practices and
has been guilty of adultery
with one Minnie Bumpus at her
house on Bailey's trace in said
county on the - day of - 1900, &c

and with divers other lewd
women at his house along
about the same time whose
names are unknown to
your petitioners, also your
petitioners also allege that
said Mollen has been guilty
of adultery with Mary Ben-
nett and Emily Wox at the
said Emily Wox's house on
Baileys Lane during the years
1899 & 1900 and with others
at said house whose names
are unknown to your
petitioners.

Your petitioners will
further show unto your honor
that on the - day of - 1900
the defendant - left this state
for a brief time, taking
with him one Mrs - Garrison
that they afterwards returned
and now live and cohabit
together, your petitioners will
show that she has not co-
habited with the said Mollen
since his desertion nor since
she learned of his adultery

with any of the persons
aforesaid. Therefore your
petitioner showing that she
has resided in this state
for more than twelve months
previous to the filing of her
petition, prays your honor
that a subpoena may issue
in due form of law, directed
to the said Gas in Wallen, com-
manding him to appear in this
Honorable court - at the same
time thereof, to answer the
aforesaid complaint; and, also,
that a decree of this Honorable
court may be made for the
divorcing of her, the said Bell
Wallen, from the bond of
matrimony. And she will ever pray.

Bell Wallen

In counsel,

W. K. Hopkins

Bell Wallen
vs. petition.

George Wallen

Bell Hallen
vs - petition
Geo. Wallen

1901. 1st May rules bill
filed Spa Executed
" 2nd May rules Cause
set for hearing

190 June Term Decree
final Chy O.B. No 6
Page 58687

Plffs Costs

Clerk 3.34

Tax 1.50

Shff 50

I P 112.00

att 15.00

\$21.46

1900 to 10
W

Bill Wallen

vs

George Wallen

} for divorce

This cause came on this day to be heard upon the ^{Bill} ~~petition~~ & depositions of the ^{witnesses} ~~plaintiff~~ and was argued by counsel, and upon consideration ^{thereof} the court with order and decree that the bonds of matrimony heretofore existing between the plaintiff and Defendant be dissolved, but for reasons appearing to the court - it is further ordered and decree that the Defendant George Wallen shall not again assume the marriage relations in this ^{and it is decreed that plaintiff again be put off} state, and the cause is stricken from the docket.

for defendant

Bell Wallen
no 4 deer

Geo Wallen

Entered on Chypl B
no 6. P. 586.

Enter this deer

H u w s h e e n

June 8th 1901

The depositions of John Stopleton and others, taken before me at the Law Office of W. W. Hopkins, on the 20th day of May 1901, pursuant to the notice thereto appended, to be read as evidence on behalf of Bell Wallen, plaintiff, upon the trial of a certain cause now pending in the circuit-court of Lee County in which Bell Wallen is plaintiff and George Wallen is defendant.

Present - W. W. Hopkins Counsel for Plaintiff

W. M. Barnett, after first being duly sworn, deposes and says:

Ques 1 Mr. Barnett what is your age residence and occupation?

Ans I am a farmer, am 31 years old and reside at Adamant, Lee County - Va.

Ques 2 Are you acquainted with George Wallen and his wife Bell Wallen, if so how long?

Ans I have been acquainted with George Wallen all my life. I have known, Bell, his wife, about fifteen years.

Ques 3 Do you know of your own knowledge whether or not the Defendant has been guilty of the act of adultery since he and the plaintiff was married, if so tell when and where.

Ans. Yes. The Defendant and I went up on Barley's track to Emily Fields one night - and I & am the defendant got in the bed with Emily & cover up.

Ques 4 Did you ever know of him going to her house at any other time since or before this time.

Ans. Yes, He and I was there at other times but - I don't remember whether it was since or before.

Ques 5 What did the defendant do this time?

Ans. I didn't see him do any thing.

Ques 6 Wasn't this a house of ill fame?

Ans. It was.

Ques 7 Do you, or do you not, know of him being guilty of adultery with other female women.

Ans. I think he has, but don't know of my own knowledge.

Ques 7 Is the defendant living with the plaintiff at present?

Ans No Sir,

Ques 8 Where, or with whom does he live

Ans He is staying up here at Vista Harroth.

Ques 9 How far is this from where the plaintiff lives

Ans I guess its a mile and a half.

Ques 10 Where or with whom, does the plaintiff reside.

Ans I suppose she lives in the house with her mother, and since Micky, I have I am him comitt addultly with One Emily Benfield about a year ago at Litchford on Bailey, Trace

Ques 11 What do you know of the character of the plaintiff.

Ans She has a good character, so far as I know. I never heard any thing of her character.

attest-

And further the deponent saith not.

W.M. Barnett ^{his}
mark

J. J. Hapleton another witness
of lawful age, first-bring duty
sworn deposes and says,

Ques 1 What is your age, residence
and occupation?

Ans I am a farmer 43 years old
and reside at Perrytown Gap.

Ques 2 Are you acquainted with Geo
Watten the defendant in this case?
if so how long.

Ans I have known him both some
12 or 14 years and before they
were married.

Ques 3 Do you know of your own
knowledge whether or not
the defendant has been guilty
of adultery since his intermarriage
with the Plaintiff?

Ans Yes Sir.

Ques 4 Will you please tell us where
this adultery occurred & who with.

Ans It was on Bailey's trace in
this county at a house occupied
by Deel Wax and Mary Aushan.

Ques 5 Do you know whether or not
his wife, the Plaintiff, knew of this
adultery?

Ans no Sir I say she didn't know
of it.

Ques ~~Does~~ Does the Defendant live with the Plaintiff at present?

Ans No Sir.

Ques With whom does he live.

Ans He lives with Frita Garrett.

Ques How long since the Defendant deserted the Plaintiff—

Ans Six or Eight months.

Ques Who is Frita Garrett, and is she a woman of good character.

Ques Her husband was sent to the asylum three or four years ago, she use to be well thought of, but not so at present. She gave birth to a child about 1 year ago.

Ques Are you acquainted with the Plaintiff, & of what of her character?

Ans Never heard anything alleged against her.

Ques How long has it been since the Defendant left the Plaintiff & went to live with the Garrett woman

Ans about 8 months, & further this Defendant saith not.

J. J. Stapleton

I hereby certify that the foregoing
depositions of W.M. Barnitt and
J.J. Stapleton, whose depositions
have been taken were taken,
subscribed and sworn to before
me at the time and at the place
mentioned in the caption, Witness
my hand this the 25-day of May
1901

W. J. Orr. J. P.

Bill Wallen
vs / Deposition

George Wallen
Received by mail
in good condition
and filed May 25th
1901. A B Munsey
Clerk

Time for Iustitia
one hour & a half.
J P 75^c

To George Wallen,

You will take notice
that at the Law Office of Wm.
Hapkins in the Town of Pen-
nington ¹⁹⁰¹ Ga., on the 26-th
day of May, ¹⁹⁰¹ and between the
hours of 9 o'clock A.M. and
4 o'clock P.M. of said day, I
will proceed to take the
depositions of John Stapleton,
and others, which
when taken are intended to
be read as evidence on my behalf
in a ^{certain} cause now pending in
the circuit court of Lee County
Ga. in which I am plaintiff
and you are defendant, and
if for any cause the same
is not commenced, or if com-
menced ^{be} not concluded, ^{upon said day & day} the
taking of same will be continued
from time to time & place to
place until finished.

Bell Wallen

Att. Counsel.

Will Wallen
vs } Notice

George Wallen

Executed on the 12
day of May, 1901 by
serving a true
copy of the within
notice on George
Wallen the defⁿ in
this cause.

E. S. Evans

Deputy for

W. J. Melham
S. C.

W. J. Melham
S. C.

W. K. Hopkins

Judge Jas. W. Orr
I have a divorce case there
of Bell. Wallen against
Geo. Wallen which I would
like for you to submit
this morning before Court
adjourns. Can you do this
for me? Answer

W. K. Hopkins

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

George Wallen

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held for the
said court, on the *1st* Monday in *May* 19*01*, to answer a bill in
chancery exhibited against *him* in our said court by *Belle*
Wallen

And have then there this writ. Witness, A. B. Munsey, Clerk of our said Court, at the court-house,
the *23rd* day of *April* 19*01*, and in the 12*5th* year of the Common-
wealth. A copy, Teste:

A B Munsey Clerk.
Clerk.

Belle Waller

VS.

}

SUBPŒNA
IN CHANCERY.

George Waller

W. H. Hopkins p. q.

To 1st May Rules.

1901 Circuit Court.

Delivered April 27th 1901
by delivering a true
copy of the within
summons to
George Waller

E. Evans
Deputy for
W. J. Mulholland
St. C.